

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
REGARDING TREES (TC2000001)**

WHEREAS, the [Durham City Council/Board of County Commissioners] wishes to amend certain provisions in the Unified Development Ordinance regarding street trees and tree coverage; and

WHEREAS, it is the objective of the [Durham City Council/Board of County Commissioners] to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 8, Environmental Protection; Article 9, Landscaping and Buffering; Article 12, Infrastructure and Public Improvements; and Article 16, Design Districts, of the *Unified Development Ordinance* is amended to make the following changes set forth in the deletions (strikethroughs) and additions (underlining) below:

PART 1

[Revisions to Sec. 8.3, Tree Protection and Tree Coverage,]

Sec. 8.3 Tree Protection and Tree Coverage

[Paragraphs not listed remain unchanged]

8.3.1 Tree Coverage Standards

C. Tree Coverage

4. Tree coverage standards can be met either by preserving existing trees on the site, by planting replacement trees, or a combination of both, as required below.

a. Suburban Tier

(2) Nonresidential Development

A minimum of 10% preserved tree coverage shall be required. If that amount cannot be satisfied pursuant to paragraph 8.3.1D, Preserved Tree Coverage, then the tree coverage percentages within the table below shall be required.

Preserved Tree Coverage Area (%)	Total Tree Coverage Area Required (%)
10	10
At least 8 but less than 10	13
At least 6 but less than 8	14
Less than 6	15

E. Replacement Tree Coverage

6. Replacement trees shall be provided as a mix of species, in accordance with the standards set in paragraph 9.2.3B.6, Mixing of Tree Species, and shall only consist of allowed species ~~allowed for "Tree Coverage" in tables 1A through 1H 1B within~~ pursuant to the *Landscape Manual for Durham, North Carolina*.

PART 2

[Revisions to Article 9, Landscaping and Buffering; Article 12, Infrastructure and Public Improvements; and Article 16, Design Districts, affecting street tree standards]

Sec. 9.1 General

[Paragraphs not listed remain unchanged]

9.1.2 Applicability

- A. The landscaping and buffering standards of this section shall apply to all proposed development for which a site plan, minor plat, or preliminary plat is required.

Sec. 9.2 Landscape Design

[Paragraphs not listed remain unchanged]

9.2.1 Landscape Manual

The Landscape Manual for Durham, North Carolina, also referred to as the Landscape Manual shall provide the following:

- A. A list of species that shall be used within the City and County of Durham, including appropriate applications and specifications, to satisfy the requirements of this Article for site plans and preliminary plats.
- B. Diagrams depicting required planting methods that shall be included, as applicable, on site plans and preliminary plats.
- C. Diagrams depicting required tree protection fencing specifications that shall be included, as applicable, on site plans and preliminary plats.
- D. Diagrams illustrating recommended methods for buffer depictions on site plans and preliminary plats.
- E. Recommended best practices for landscaping methodologies including, but not limited to, “water-wise” approaches to landscape materials and incorporation of Crime Prevention Through Environmental Design (CPTED) principles.

9.2.3 Plant Material Requirements

B. Trees

6. Mixing of Tree Species

When more than 20-10 trees are required to be planted on a site to meet these regulations, a mix of species shall be provided. The following table indicates the maximum percentage of trees of the same genus and species that may be planted.

Total Trees Planted on Site	Minimum Number of Species Required	Maximum Percentage of Any Species
<u>10 trees or less</u>	<u>1</u>	<u>Not applicable</u>
20 trees or less <u>11 to 20 trees</u>	1 <u>2</u>	not applicable <u>70%</u>
21 to 50 trees	2 <u>3</u>	70% <u>50%</u>
51 to 100 trees	3 <u>4</u>	50% <u>40%</u>
101 to 200 trees	4 <u>5</u>	40% <u>30%</u>

Total Trees Planted on Site	Minimum Number of Species Required	Maximum Percentage of Any Species
201 to 300 trees	<u>56</u>	30% <u>25%</u>
301 to 500 trees	<u>67</u>	25% <u>20%</u>
Over 500 trees	<u>78</u>	20%

9.2.4 Landscape Plans and Surveys

Landscaping plans shall be prepared by certified arborists, landscape architects, or other similarly licensed professionals with a proficiency in preparing landscaping plans. Tree surveys shall be reviewed and signed by a certified arborist, ~~forester, or landscape architect~~ or forester to confirm the size and species of the trees depicted on the plans.

9.2.5 Installation

D. Certification

The Planning Director, or designee, may authorize certified arborists or licensed landscape architects to certify that landscape plantings have been installed in conformance with the approved landscaping plan including planting sizes, species, and installation techniques in lieu of inspection by the Planning Department. For street trees within rights-of-way, such authorization shall be the responsibility of the City General Services Director, or designee.

Sec. 9.6 Street Trees

[Paragraphs not listed remain unchanged]

9.6.2 Required Street Trees

A. Street Trees in Districts other than SRP-C (County Only), CI or Design Districts

1. Number of Trees

Trees shall either be retained or planted such that there is an average of at least one street tree for every 40 feet of street frontage along the sides of all existing and proposed rights-of-way (except alleys), and private street easements. If understory trees are planted, then the average shall be at least one understory street tree for every 30 feet of street frontage along the sides of all existing and proposed rights-of-way (except alleys), and private street easements.

2. Location

a. New Streets

For new streets and extensions of existing streets, street trees shall be located in the right-of-way or street easement. The Public Works Director in consultation with the City Transportation Director or City Urban Forestry Division, as applicable, or NCDOT, as appropriate, may require an alternate location due to conflicts with existing utilities.

(1) Planting location within right-of-way or street easement shall be pursuant to street cross-sections within the Public Works Reference Guide for Development.

(2) Planting and species requirements shall be pursuant to this Ordinance and the Durham Landscape Manual.

~~2.b.~~ All Other Locations

(1) Street trees shall be located within ~~30-10~~ feet of the right-of-way or street easement and in a street yard, ~~unless:~~

~~a.~~(2) Street trees can be planted in the right-of-way or street easement under the following conditions:

(a) The City Public Works Director in consultation with the City Transportation Director or City Urban Forestry Division, as applicable, or the NCDOT, or designees, as appropriate, authorize their location in a right-of-way;

~~b.~~(b) If the trees are existing trees, the root protection zone outside of the right-of-way is protected; and

~~c.~~(c) There is no conflict with public utilities.

~~3. If a conflict exists with public utilities, street trees shall be located in the required street yard.~~

B3. Separation Requirements

The location of street trees can be varied, as long as the separation between each tree does not exceed 100 feet, measured between the centerline of each trunk. If existing obstructions, access points, or sight distance triangles prevent compliance with the maximum separation requirement, the separation can exceed the maximum only to the extent necessary to avoid the obstruction, access point, or sight distance triangle.

CB. Street Trees in the SRP-C District (County Only), CI District, and Design Districts

Street trees shall be provided pursuant to Sec. 16.4, Streetscape Standards.

9.6.4 Street Tree Installation

A. Required street trees shall be clearly noted on any site plan, preliminary plat, minor, or final plat.

B. Street trees shall be at least two and one-half inch caliper, ~~or as permitted within the Landscape Manual pursuant to paragraph 9.2.1, Landscape Manual.~~

C. Unless otherwise allowed or required in this Ordinance, ~~In the Suburban and Rural Tiers~~ street trees shall not be located in, or within four feet of, any street right-of-way without prior approval from the City Public Works Director in consultation with the City Transportation Director or City Urban Forestry Division, as applicable, or the NCDOT, or designees, as appropriate.

Sec. 12.4 Pedestrian and Bicycle Mobility

[Paragraphs not listed remain unchanged]

12.4.4 Dimensions and Design

A. Sidewalks

1. In right-of-way with curb and gutter, sidewalks shall be a minimum of five feet in width with a minimum three-foot grass strip between the sidewalk and curb, unless otherwise specified in this Ordinance.

a. A wider grass strip or planting area shall be required as necessary to accommodate street trees planted within rights-of-way.

b. Alternative widths can be allowed if permitted pursuant to development guidelines maintained by the City Public Works Director, or NCDOT, as applicable.

Sec. 16.4 Streetscape, Right-of-Way, and Block/Lot Standards

[Paragraphs not listed remain unchanged]

16.4.2 Streetscape

E. Street Trees

2. Standards

a. Number of Trees

- (1) One tree for every 40 feet of street frontage along existing and proposed rights-of-way (not including alleys), private street easements, and pedestrian malls. If understory trees are planted, then the average shall be at least one understory street tree for every 30 feet.

PART 4

[Replace the term “root protection zone” for consistency with the Landscape Manual]

For all instances in the UDO, the term “root protection zone” shall be replaced with the term “tree protection zone”.

PART 5

That the Unified Development Ordinance shall be renumbered, including references, as necessary to accommodate these changes.

PART 6

That this amendment of the Unified Development Ordinance shall become effective *[insert date]*.